

I am writing in opposition to the proposal for FCC regulation to preempt state laws in regard to limitations on telemarketing.

Telemarketing has become one of the most annoying aspects of contemporary life. Telemarketers feel free to use the equipment for which we pay to advertise to me and my family. The telemarketers do not pay for the telephone, or the monthly rent of the telephone service to my house. If I do not wish to receive such communication, I should be able to effectively prevent it. Such protection is offered to me to prevent unsolicited mail under 39 U.S.C. 3008. This protection was affirmed by the Supreme Court in ROWAN, DBA AMERICAN BOOK SERVICE, et al. V. UNITED STATES POST OFFICE DEPARTMENT et al.

Prior to the passage of Indiana's DNC law, I attempted to limit calls with the DMA's Telephone Preference Service, but to no avail. Telemarketing calls continued, even though at each time I insisted that the number be removed per the Telephone Consumer Protection Act.

Since the passage of Indiana's DNC, however, the telemarketing calls have dropped to less than one per month. My family can now enjoy its time without the uninvited interruptions of telemarketers.

The FCC's proposal to preempt state laws in this area is bad regulation. Congress itself has, for many years, avoided federal preemption of state laws in similar areas, such as the Privacy laws involved with modernization of banking regulations. Also, the positive experience with Indiana's law compared with the ineffectiveness of both self-regulation by the telemarketing industry and federal regulation suggests that this would be an area best left to the states.

Thank you for your consideration of my comments.